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Activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Secretary-General

Summary

The present report is the eighth covering the activities of the Office of the United Nations Ombudsman and Mediation Services, which provides workplace informal conflict resolution services to the Secretariat, funds and programmes (United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Office for Project Services and United Nations Entity for Gender Equality and the Empowerment of Women) and the Office of the United Nations High Commissioner for Refugees.

The report contains information on the activities carried out during the period from 1 January to 31 December 2015. It focuses on Secretariat-specific activities, including dispute resolution services offered to staff, outreach and activities to promote greater conflict competence among staff and managers and observations on systemic issues. Detailed information on the activities undertaken specifically within the funds and programmes and the Office of the United Nations High Commissioner for Refugees is provided in separate annual reports, which can be found on the intranet pages and/or websites of the respective entities.

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I. Introduction

A. Workplace conflict in the United Nations context

1. The United Nations is facing a turbulent world: the past year has seen widespread complex humanitarian emergencies and volatile and destructive political conflicts; at the same time, the "silent" challenges of global inequality and protecting the sustainability of the planet continue to fill the agenda. The Organization is also in the midst of several organizational reforms with transformational impact. Its staff must respond to all of those demands and adapt to evolving needs and realities. A harmonious workplace is essential and, in that regard, the Office of the United Nations Ombudsman and Mediation Services provides an important institutional capacity to prevent or resolve workplace conflict and promote collaboration.

B. Mandate of the United Nations Office of the Ombudsman and Mediation Services

2. The Office of the United Nations Ombudsman and Mediation Services provides confidential and impartial assistance with the aim of resolving a wide range of workplace issues and disputes. It serves staff globally, including at headquarters duty stations and in field operations. Staff at all levels seek the assistance of the Office on a broad range of issues, including matters relating to contract renewal, equity of treatment, staff selection, discrimination, harassment, interpersonal issues or situations in which there has been a delay or lack of response to an administrative request or entitlement query. The Office assists staff through a variety of dispute resolution approaches, including exploring options, coaching, mediation, facilitation, group processes and team-building.

3. In gathering facts and analysing the issues brought to it by individual visitors, the Office may also discern trends and identify systemic issues underlying conflicts, which they bring to the attention of the Organization's management on an ongoing basis.

4. Increasingly, the Office is focusing on assisting employees to develop the knowledge, attitude and skills to handle situations of conflict constructively (in other words, conflict competence) and prevent them from escalating. The Office helps to develop conflict competence through thematic informational sessions and workshops, skill-building initiatives and individual coaching when dealing with cases.

C. Core principles of practice

5. In carrying out its work, the Office is guided by the core principles of independence, neutrality, confidentiality and informality, which are aligned with internationally established standards of practice for the organizational ombudsman and mediator professions.

Independence

6. The Office maintains independence from other organizational entities, organs or officials and has direct access to the Secretary-General, the executive heads of the funds and programmes, the United Nations High Commissioner for Refugees and senior management throughout the Organization, as needed; access to information relevant to cases, except medical records; and access to individuals in the Organization who request advice, information or an opinion on any particular matter.

Neutrality

7. The Office serves as an advocate for fair and equitably administered processes, not on behalf of any individual within the Organization, taking into account the rights and obligations of the Organization and the staff member, and the equity of the situation.

Confidentiality

8. The Office maintains strict confidentiality and does not disclose any information about individual cases or visits from staff members; its staff members cannot be compelled by any United Nations organ or official to testify or disclose information about cases.

Informality

9. In respect of its informality, the Office does not keep records for the United Nations or any other party; does not conduct formal investigations or accept legal notice on behalf of the United Nations; does not have decision-making powers; and does not make determinative findings or judgments.

II. Overview of the Office

10. The Office serves the constituencies of the following entities, grouped into three pillars: the Secretariat; the funds and programmes, including the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Office for Project Services and the United Nations Entity for Gender Equality and the Empowerment of Women; and the Office of the United Nations High Commissioner for Refugees (UNHCR). The constituencies are served by the Office's three pillars, each of which was established and is administered by its respective entity or entities.

11. The Office is headquartered in New York and has seven regional offices and a mediation service as established by the General Assembly in its resolution 62/228. The regional offices are located in Bangkok, Entebbe (Uganda), Geneva, Goma (Democratic Republic of the Congo), Nairobi, Santiago and Vienna. Each office is served by a dedicated regional ombudsman. The ombudsmen for the funds and programmes and for UNHCR provide services to their global constituencies from New York and Geneva, respectively.

12. The staff of the Office continue to collaborate on a regular basis to harmonize practices. Knowledge-sharing is a crucial form of collaboration among the Office's pillars. Regular participation in the discussion of cases and practice parameters enhances mutual learning and ensures the retention of institutional knowledge. A

confidential and secure case management system is a key tool that is shared among the three pillars.

III. Informal conflict resolution: overview of cases and trends

A. Ombudsman cases

13. A total of 2,524 cases were opened by the Office in 2015, an increase of 13 per cent over the previous year. Of those cases, 1,928 originated in the Secretariat, 457 in the funds and programmes and 139 in UNHCR (see fig. I). After the current system of administration of justice was established in 2009 and the informal system was strengthened, the number of cases increased steadily until 2011 before stabilizing from 2012 to 2014. The numbers for 2015 show a notable upward trend, in particular in the Secretariat, where the increase was 15 per cent. This is attributed primarily to a higher number of cases from staff in peacekeeping and special political missions during the reporting period (see fig. II).

Figure I
Number of cases opened by the Office, 2009-2015

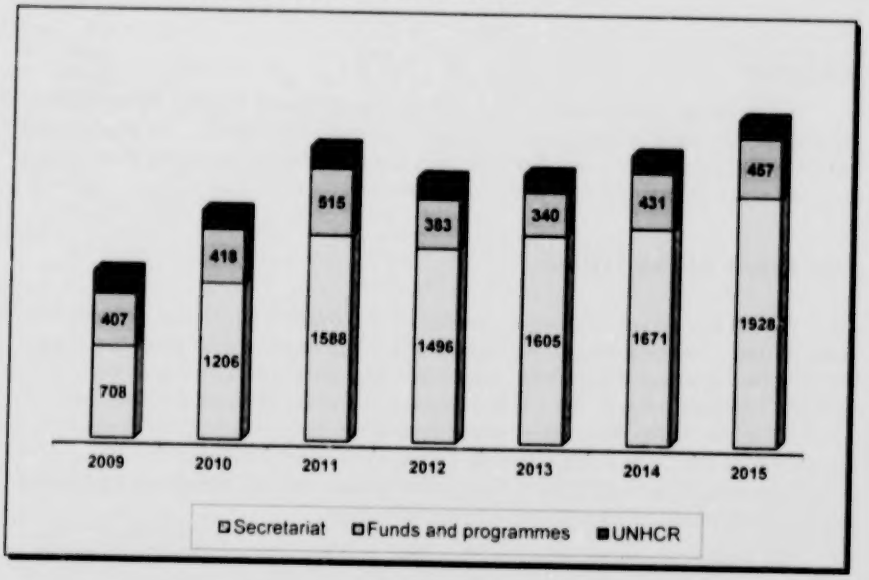
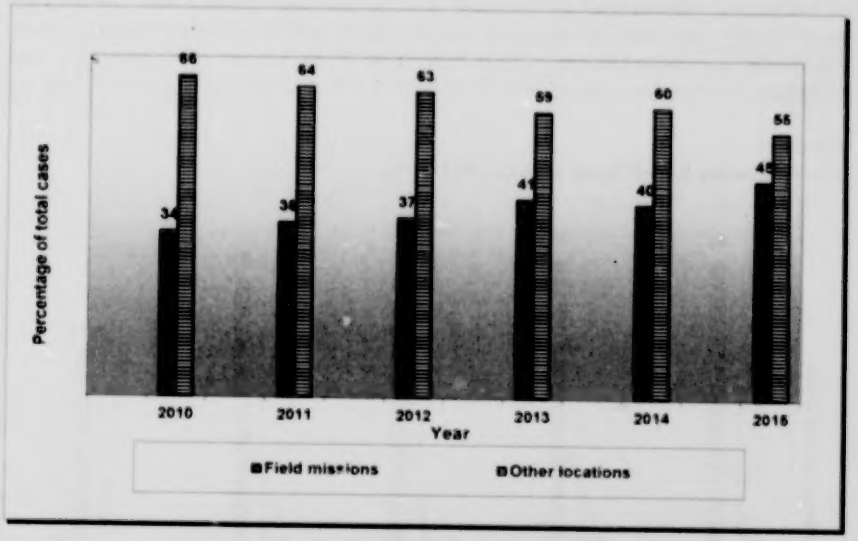
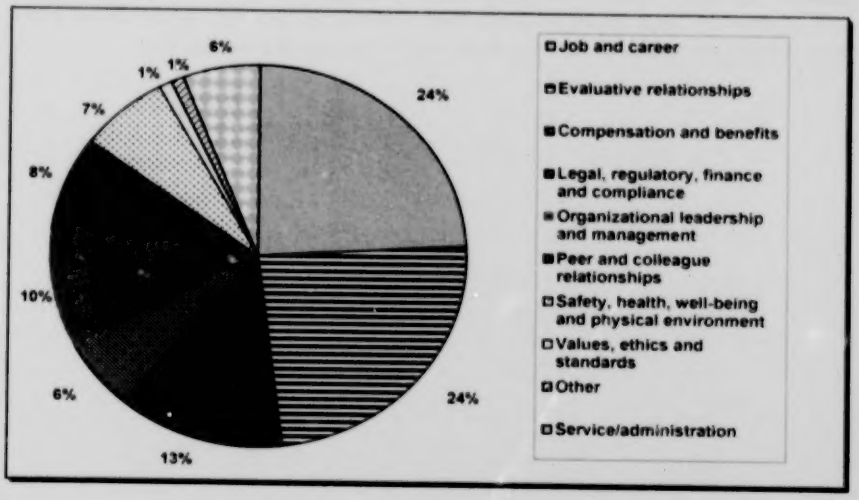


Figure II
Percentage of cases from staff in field missions and other locations opened by the Office



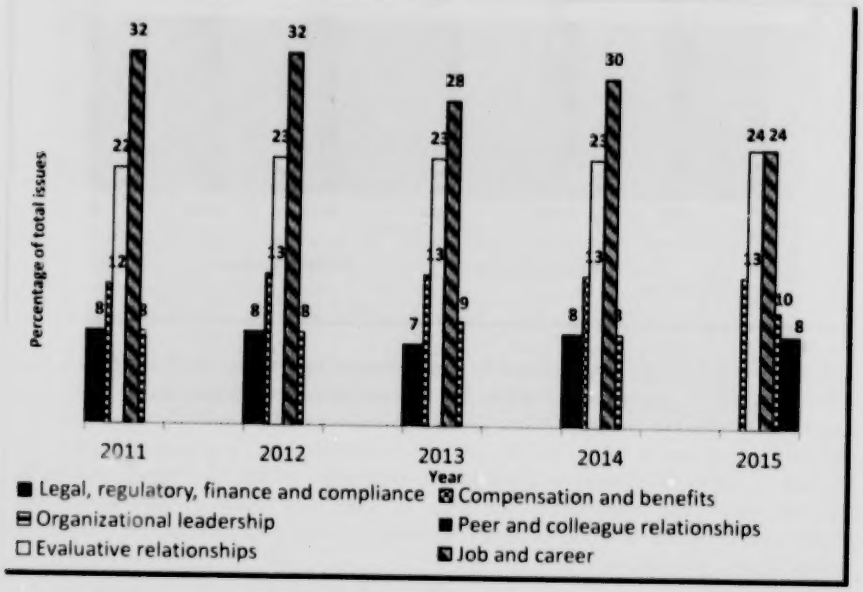
14. In describing the issues raised in cases brought forward by staff, the Office uses the categories of issues established by the International Ombudsman Association. One case can entail more than one issue, given that there are often multiple interconnected matters and concerns. The categories of issues raised by the cases opened in 2015 are shown in figure III. Issues relating to the categories of job and career, evaluative relationships (the relationship between a supervisor and a supervisee) and compensation and benefits collectively account for more than half the total volume of cases in 2015 (see fig. III).

Figure III
Issues brought to the Office in 2015, by category



15. Over the past four years, the proportion of cases related to compensation and benefits has remained consistent, at 13 per cent. In 2015, the issues concerning job and career decreased from 30 per cent in 2014 to 24 per cent, bringing issues related to evaluative relationships to the same level as job and career issues for the first time. Issues that saw an increase in the same period included organizational leadership and management, which rose from 8 to 10 per cent, and peer and colleague relationships, which increased from 6 to 8 per cent (see fig. IV).

Figure IV
Top five issues for all three pillars, 2011-2015



16. In 2015, 85 per cent of cases emanated from offices away from headquarters, country and field offices and field missions (see fig. V). For the Secretariat, 57 per cent of cases in 2015 emanated from field missions, 31 per cent from offices away from Headquarters and 12 per cent from staff in New York (see fig. VI).

Figure V
Distribution of cases brought to the Office, by location

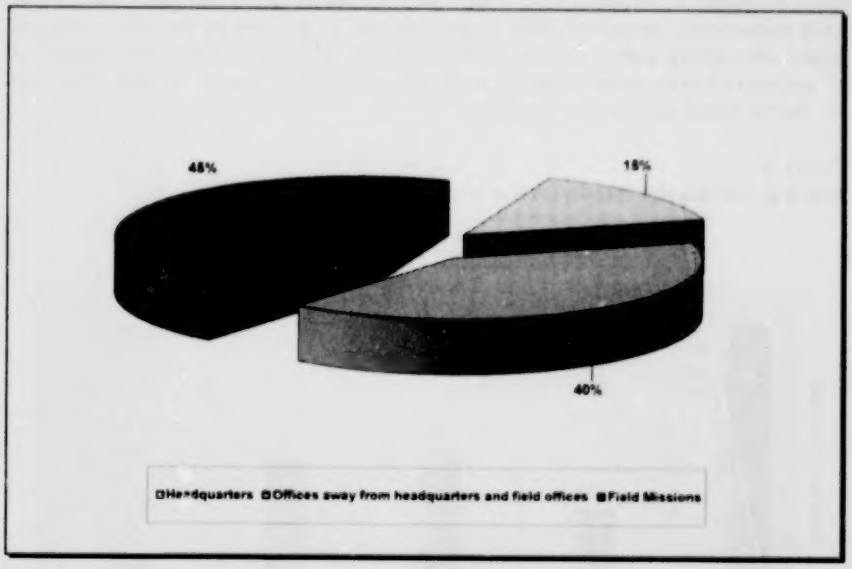
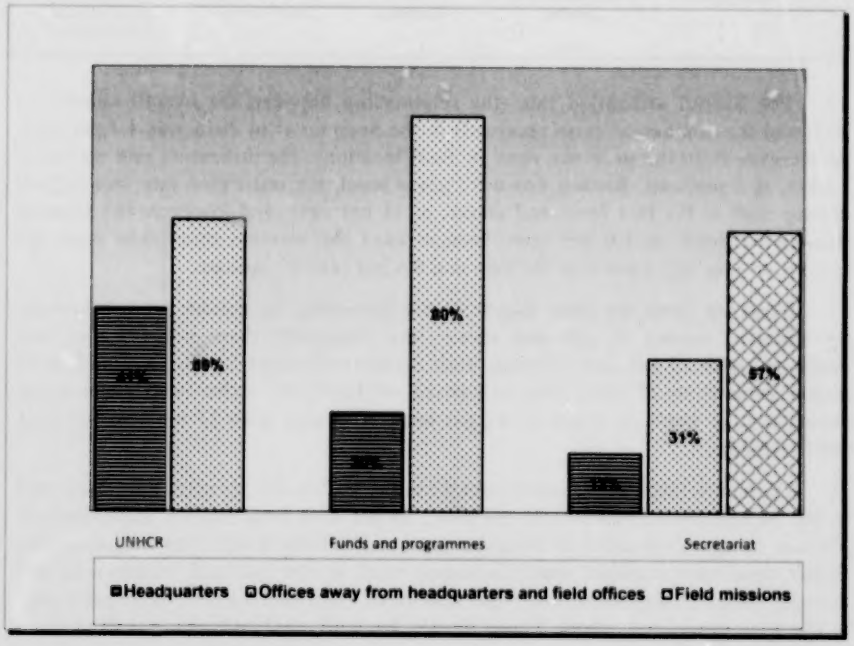
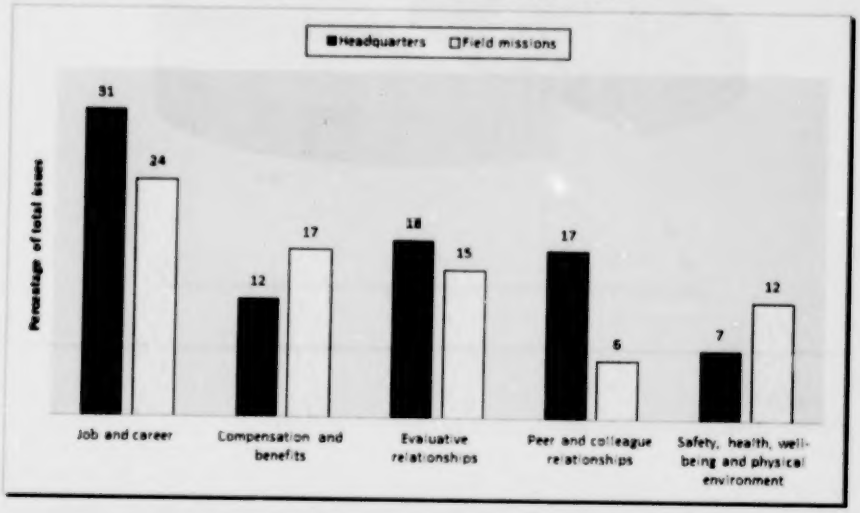


Figure VI
Distribution of cases brought to each of the three pillars



17. In comparing data from Headquarters and field duty stations in the Secretariat, it was noted that issues relating to job and career, and evaluative relationships were more prevalent at Headquarters, where they accounted for 31 per cent and 18 per cent, respectively, compared with 24 per cent and 15 per cent in field duty stations. Issues concerning safety, health, well-being and physical environment comprised 12 per cent of total issues raised by staff in field missions, compared with 7 per cent for staff at Headquarters (see fig VII).

Figure VII
Issues at Secretariat Headquarters and field missions in 2015

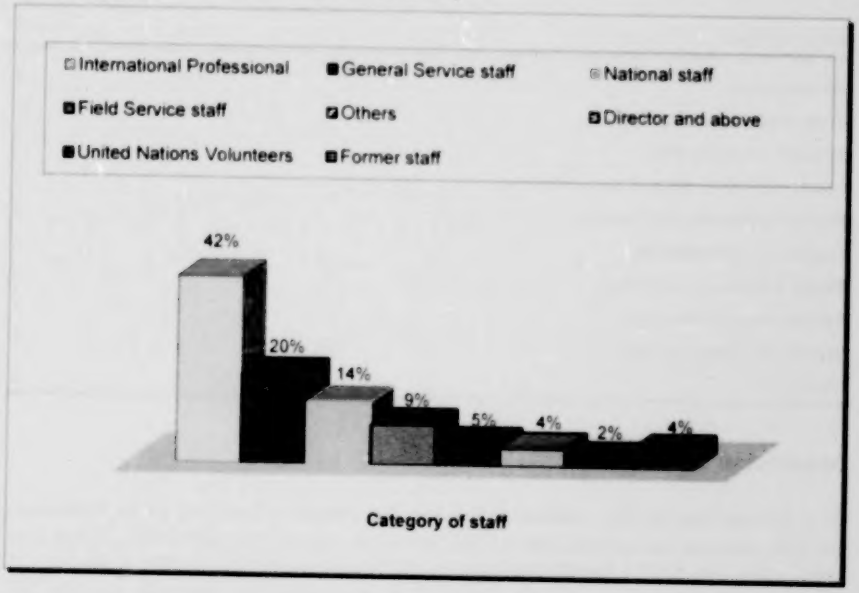


18. The overall utilization rate (the relationship between the overall number of staff and the number of cases received) in the Secretariat in 2015 was 4.4 per cent, an increase from the previous year. In field locations, the utilization rate was even higher, at 5 per cent. Broken down by grade level, the utilization rate was highest among staff at the D-1 level and above, at 11 per cent, and lowest in the General Service category, at 1.6 per cent. Women used the services more than men: the utilization rate was 4 per cent for men and 5.4 per cent for women.

19. Breaking down the issue data from the Secretariat by gender, women brought up concerns related to job and career less frequently than men (21 per cent compared with 27 per cent). Female staff members brought forward a significantly higher proportion of cases that concerned relationships, either with supervisors, supervisees or peers, at a rate of 43 per cent, compared with 23 per cent for male staff members.

20. Of the total number of cases brought to the Office, 42 per cent came from staff in the international Professional category; 20 per cent from support staff (General Service category) located at Headquarters and offices away from headquarters; 14 per cent from national staff (including staff in the national professional and General Service categories); and 9 per cent from Field Service staff (applicable only to the Secretariat) and others. Those figures are consistent with the overall trend in past years (see fig. VIII).

Figure VIII
Distribution of cases, by occupational group



B. Cases from non-staff personnel

21. The General Assembly, in its resolution 69/203, requested information on the number and nature of cases brought forward by non-staff personnel. During the reporting period, 168 cases involved non-staff personnel, reflecting an increase of 16 per cent from the previous year. Of those, 50 per cent came from individual contractors and consultants and the remaining 50 per cent from other categories of non-staff personnel (such as volunteers, interns and other related categories).

22. In 2015, the most frequently occurring issues brought by non-staff personnel pertained to job and career, which accounted for 26 per cent of the cases, compared with 34 per cent in 2014. There was an increase in the proportion of issues concerning compensation and benefits from 18 per cent in 2014 to 23 per cent in 2015, and evaluative relationships rose from 12 per cent in 2014 to 17 per cent in 2015 (see the table below for further information).

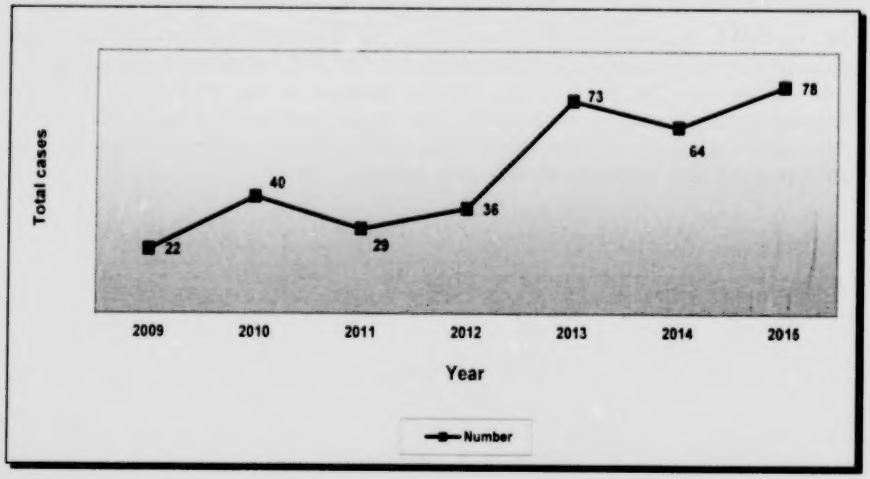
Nature of cases from non-staff personnel

	Distribution (percentage)	
Category of issue	*2014*	*2015*
Job and career	34	26
Compensation and benefits	18	23
Evaluative relationships	12	17
Legal, regulatory, finance and compliance	10	5
Peer and colleague relationships	8	6
Organizational leadership	6	6
Safety, health and well-being	4	7
Service and administration	4	5
Values, ethics and standards	4	3
Others		2

C. Mediation cases

23. In establishing the Mediation Service, the General Assembly, in its resolution 62/228, stressed the pivotal role of mediation in reconciling differences. Since that time, there has been a steady increase in the use of mediation, with the number of mediation cases opened in 2015 reaching 78, the highest to date (see fig. IX). Of those 78 cases, 54 have been completed, with a settlement agreement reached in 81 per cent. Fourteen cases were not mediated because one or both parties chose not to participate in mediation following preliminary or pre-mediation consultations or because the case was deemed unsuitable for mediation. Ten cases opened in 2015 are still in progress at the time of writing of the present report.

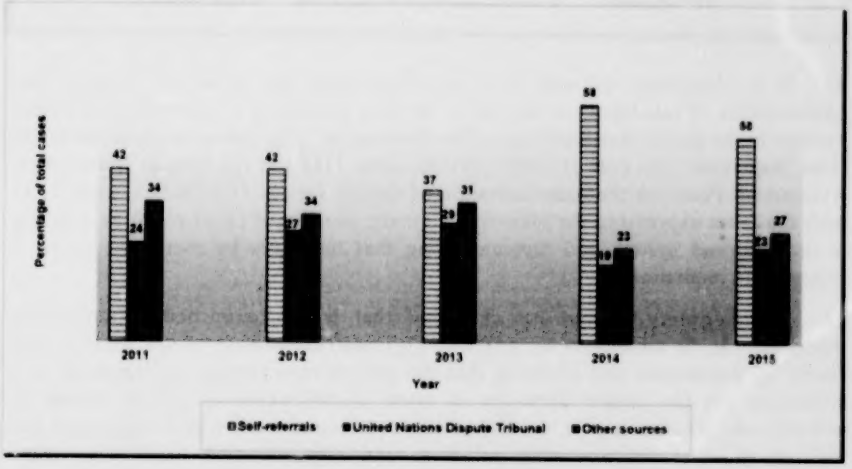
Figure IX
Number of mediation cases opened, 2009-2015



24. During the reporting period, 50 per cent of mediation cases opened were self-referrals (i.e., the party or parties to a dispute requested a mediation), 23 per cent were referred by the United Nations Dispute Tribunal and the remaining 27 per cent were referred by other sources, such as the Office of Staff Legal Assistance, the Management Evaluation Unit and case officers within the Office of the United Nations Ombudsman and Mediation Services. The fact that half of the mediation cases came about as a result of individual staff members themselves opting for mediation indicates that staff are increasingly confident in the benefits of informal resolution as an alternative to a formal process.

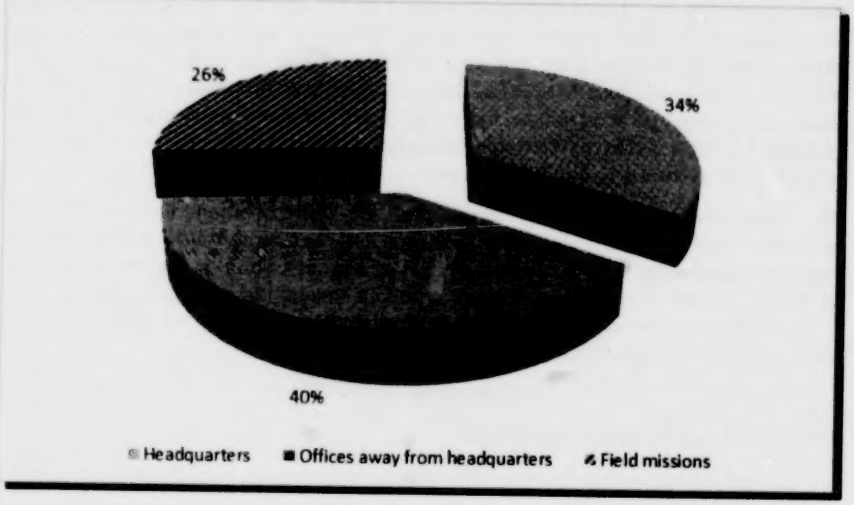
25. There was an increase in referrals from the United Nations Dispute Tribunal and other sources, as shown below (see fig. X). This can be attributed in part to ongoing engagement with the formal system of administration of justice. In 2015 in particular, efforts were made to engage with key stakeholders globally, with a view to facilitating operational processes for referrals, and to promote the added value of mediation, especially in field locations.

Figure X
Mediation cases by source, 2011-2015



26. Mediation can efficiently address complex, multidimensional matters in that it can help parties to clarify interests and develop mutually agreeable solutions. This is especially relevant in cases in which issues have been raised in multiple organizational recourse forums. For example, one successful mediation could result in the withdrawal of several cases filed by a staff member against the Organization simultaneously, such as a request for management evaluation, an application before the United Nations Dispute Tribunal, a harassment complaint and a performance appraisal rebuttal. One successful mediation case can therefore lead to the withdrawal of a number of different formal procedures, with a significant positive impact for the staff member and the Organization.

Figure XI
Distribution of mediation cases by location



27. It is important to note that notwithstanding the manifold benefits and opportunities of mediation, it has yet to be fully integrated as a conflict resolution process in the day-to-day workings of the Secretariat. This was also observed by the Joint Inspection Unit (see JIU/REP/2015/6, para. 111) and the Interim Independent Assessment Panel on the Administration of Justice (see A/71/62/Rev.1, para. 294), with the latter expressing the view that a greater number of cases could be resolved in the informal system and recommending that managers be more pro-active in engaging in mediation.

28. The Secretary-General has indicated that he is committed to supporting increased use of mediation by promoting greater knowledge of the process and clarity of procedures and ensuring that the person representing management in a mediation has the proper authority to make commitments or prompt access to officials who do. For its part, the Office will continue to work with management and staff to promote organizational mindsets and administrative machinery where mediation becomes a natural and preferred conflict resolution process.

IV. Outreach activities: promoting conflict competence and informal resolution

A. Outreach activities in 2015

29. When the internal justice system was reformed in 2009, one of the goals articulated by the General Assembly was to have a decentralized approach. In the informal system, that was achieved by establishing seven regional ombudsman's offices, two of which are focused on assisting staff in peacekeeping missions. In addition, this geographical presence has been augmented by an extensive programme of outreach visits, with the aim of bringing informal conflict resolution

services closer to the staff, and by building skills and insight that can help prevent workplace conflict.

30. In 2015, the office conducted a total of 360 outreach activities at United Nations offices around the world, including 146 workshops, training activities and information sessions targeting more than 4,000 staff members. Some were group processes or team-building activities, which the Office is increasingly being called upon to conduct as a means of promoting a collaborative work environment. Outreach also included 214 meetings with senior officials or stakeholder groups.

31. The regional office in Bangkok, in conjunction with the Economic and Social Commission for Asia and the Pacific, hosted a "thematic week" in June 2015 consisting of a series of skill-building workshops and interactive sessions. The week-long series of events focused on enabling staff to effectively manage change, deal with difficult conversations, manage emotions in the workplace and provide constructive feedback.

32. The regional office in Nairobi organized several one-day training activities on the theme "Navigating conversations", engaging offices and departments of the United Nations Environment Programme, as well as United Nations Human Settlements (UN-Habitat) Somalia and the Economic Commission for Africa in Addis Ababa. The workshops were aimed at bringing together several disciplines and skills, with a main focus on verbal interactions as the primary vehicle for all collaborative human endeavours. The regional office in Geneva organized workshops on managing conflict and mediation for managers and supervisors at the United Nations Office in Geneva and the Office of the United Nations High Commissioner for Human Rights and a special workshop for staff representatives entitled "Representing and supporting staff in conflict".

33. In March 2015, the regional office in Vienna visited the Economic and Social Commission for Western Asia, the Office of the United Nations Special Coordinator for Lebanon, the United Nations Information Centre in Beirut and the United Nations Interim Force in Lebanon and organized a training session on conflict management entitled "Your core qualities and how they can contribute to conflict at work". In several locations, the Office supported the "Inside the Blue" programme spearheaded by the Department of Field Support. This initiative is intended to ensure that the core values of the Organization are upheld in the workplace while enabling the prevention of prohibited conduct, including harassment, discrimination and abuse of authority. In Cyprus, for example, a workshop was held in collaboration with the Conduct and Discipline Unit and the Office of the Special Representative of the Secretary-General and Head of the United Nations Peacekeeping Force in Cyprus.

34. Outreach activities do not necessarily involve travel: in December 2015, the regional ombudsman in Santiago personally visited more than 200 Economic Commission for Latin America and the Caribbean (ECLAC) staff members in their offices to introduce the services offered by the Office. In addition, the regional office conducted a number of workshops and training activities in Haiti, Lima, Mexico, Panama, and Trinidad and Tobago on conflict competence, in which it focused on the difference between facts and opinions and the use of dialogue to prevent and deal with conflict.

35. In Beni, Dungu and Kalemie in the Democratic Republic of the Congo, the regional office in Goma organized a series of workshops aimed at strengthening the ability and confidence of staff members to prevent, minimize or resolve disputes in the workplace. The regional office in Entebbe, Uganda also organized two workshops, in Aweil and Wau, South Sudan, focusing on building resistance to conflicts in a peacekeeping environment.

36. Visits by an ombudsman team can be a powerful signal that the Organization cares about its staff, especially in remote and difficult duty stations. For example, in March 2015, a team visited Kutum, a remote duty station north of Darfur, known as a dangerous place with high tensions. Another challenging visit was one made to Damascus in November 2015. For the staff in those locations, the visits were recognition that their contribution mattered and that despite their isolated situation, there were avenues through which they could address any concerns.

37. The multilingual website of the Office continues to be a useful gateway for staff seeking information on informal resolution. In 2015, the website was visited, on average, 3,700 times per month, which is a significant increase from 2014 (2,000 per month).

B. Expanding reach and impact

38. The General Assembly, in its resolution 70/112, recognized that access to the Office is a challenge for staff in the field and encouraged the development of innovative measures to address those challenges. It requested the Secretary-General to report thereon to the Assembly at the main part of its seventy-first session.

39. Overall, the increase in cases attests to a good level of awareness of the Office among the staff as a whole. Roughly half of the cases come from the field, which is fairly consistent with the pattern over the past five years. Still, with more than 20,000 staff members serving in various field missions (see A/70/605, sect. II.B, table 4), many covering large geographic areas, it is challenging to meet the need for in-person services.

40. The Office therefore continues to explore ways to enhance its outreach work. During the past year, for example, the use of pre-mission online surveys was piloted. Such surveys allow the Office to glean information relating to the working environment in a particular duty station or mission and what type of concerns are prevalent. The information can then be incorporated into planning the types of interventions that might be suitable.

41. One way of increasing the impact of the services of the Office is to look for possible multiplier effects. For that reason, more emphasis is placed on building the skills of staff and managers to better handle conflict; such an approach can produce a more lasting and cascading result than a one-off intervention. Other initiatives being explored involve training designated focal points who would serve as resource persons in their respective mission or duty station.

42. Another initiative undertaken in 2015 was to deploy a senior conflict resolution officer for an extended visit to a specific field mission. The objective was to enhance direct access to staff by having an ombudsman provide on-site services while also gaining deeper insight into systemic issues in a peacekeeping environment and engaging with relevant stakeholders.

43. The Office uses the services of on-call mediators and ombudsmen to enhance direct in-person access to its services in field locations. In 2015 several mission visits involving dispute resolution services and skill-building activities included the participation of such on-call conflict resolution professionals.

44. In order to overcome the challenge of limited physical presence, remote channels (such as e-mail, telephone, WebEx, video teleconference and Skype) are often used by the Office in making its services, including case intervention, available in field locations. However, difficult conditions in the field, including weak information technology systems, unstable Internet service, power disruptions and other logistical constraints remain considerable impediments.

V. Collaboration within the Secretariat and beyond

45. In 2015, the Office continued to collaborate with various departments and offices within the Secretariat on a broad array of issues. With its unique perch allowing a view of workplace concerns from duty stations near and far, the Office can contribute valuable and independent perspectives to both policy and operational processes at different levels.

46. One such process was the Secretariat-wide enterprise risk management exercise, in which the Office participated in a risk treatment working group devoted to human resources strategy, reform and accountability, chaired by the Office of Human Resources Management. The Office of the United Nations Ombudsman also continued to collaborate with the latter on performance management, both in terms of providing feedback on concerns frequently raised in cases and of how the Office can be a resource to assist staff and managers in the performance management process. As to learning activities, the Office provided input to a new harassment prevention online training programme, gave presentations at workshops on performance management and regularly participated in induction programmes to support greater knowledge and use of informal resolution.

47. The Office collaborated with the Medical Services Division of the Office of Human Resources Management on matters relating to staff resilience and well-being, in particular in respect of a global staff wellness survey conducted by the Division in 2015. The Office contributed by crafting some questions aimed at exploring the link among workplace conflict, incivility and stress and how it affects productivity. The data collected are still being analysed, and to build further on the survey, the Office, in collaboration with the Medical Services Division, is undertaking a project to conduct focus group discussions at different duty stations to gain further insight on such issues.

48. The Office continued to collaborate with the Department of Field Support through regular meetings and information exchanges regarding developments that affect staff in peacekeeping missions. In 2015, it supported the conduct and discipline teams in various missions in raising awareness of workplace harassment, discrimination and abuse of authority and highlighting the fact that, in many cases, informal resolution can be an option to address those types of conflicts.

49. During the reporting period, the Office participated in a system-wide working group on duty of care, led by the Department of Safety and Security, which was mandated by the High-Level Committee on Management to undertake a review and

make recommendations on measures to improve the Organization's support towards staff working in high-risk environments.

50. Interaction and collaboration with the formal system of administration of justice continued to be strengthened. The Office regularly participated in meetings of internal stakeholders in the formal system, and there are ongoing efforts by all sides to solidify collaboration and identify opportunities for informal resolution of cases, with close working relationships having been established with the Management Evaluation Unit and the Office of Staff Legal Assistance. The Office has engaged with key offices in the Secretariat to encourage greater use of mediation and to build a better understanding of the process among all actors. Such collaboration will continue to be crucial as the Organization responds to the recommendations of the Interim Independent Assessment Panel on the System of Administration of Justice calling for increased mediation and the facilitation of settlement agreements.

51. The Office worked closely with the Office of Staff Legal Assistance on cases requiring legal counsel and on matters in which the Office assisted with informal resolution. The option of referring visitors to the Office of Staff Legal Assistance was particularly useful when staff seeking informal resolution needed to understand the legal framework of their cases. Such collaboration also elucidated the crucial role that each office plays in finding ways to promote the early and informal resolution of conflicts.

52. The Office regularly engages with the Ethics Office on areas of mutual interest. During the reporting period, it collaborated with the Ethics Office on the 2015 United Nations Leadership Dialogue, which was focused on taking individual responsibility. This theme remains particularly relevant in the context of the concerns and conflicts that staff members often bring to the Office.

53. The Office maintains regular contact with staff representatives at various duty stations. For example, in 2015, it engaged with national staff associations, the Field Staff Union and other staff representatives in connection with communications and conflict competency training.

54. The Office also maintains contact with other ombudsmen in the United Nations system through the ombudsmen and mediators of the United Nations and related international organizations network. At its most recent meeting, held in July 2016, one of the items discussed was the report of the Joint Inspection Unit on a review of the organizational ombudsman services across the United Nations system (JIU/REP/2015/6). While the report was generally well received, the network noted with concern that some recommendations might be difficult to put into practice. A working group was created to evaluate how best to implement them.

VI. Root causes of conflict: systemic issues

55. The Office identifies systemic issues on an ongoing basis, in accordance with General Assembly resolution 64/233, in which the Assembly emphasized that the role of the Ombudsman was to report on broad systemic issues that he or she identified, as well as issues that were brought to his or her attention. The General Assembly, in its resolution 70/112, encouraged the continued involvement of the

Office in the progressive development and refinement of human resources policies and practices.

56. Systemic issues exist independently of the individuals involved. Where recognized, they present an opportunity for the Organization to learn and effect positive change that can contribute to the prevention of certain types of conflicts. Many conflicts can be traced back to systemic issues, which may be more deeply rooted or stem from gaps or inconsistencies in the Organization's policies, procedures, practices and structures.

57. Systemic issues are identified through the cases and issues brought forward by staff, during interactions with the parties involved in conflicts, during ongoing dialogue with stakeholders at Headquarters and in the field and through direct observation. Some of the issues are highlighted in the present section. Others have been highlighted in previous reports, but merit continued attention.

A. Staff serving in dangerous duty stations: asserting the duty of care

58. For many years, the Office has noted the special needs of staff serving in dangerous duty stations, most recently in its 2015 report (A/70/151, paras. 74-79). Increasingly, the Organization is deploying staff members to high-risk environments, where they are exposed to a host of tangible threats, such as violent attacks, insecurity, accidents and disease. When such exposure continues over an extended period of time, it also presents a risk to mental health and well-being owing to high stress, lack of social support systems, inadequate medical care and extremely rudimentary living conditions.

59. There are primarily two ways of managing workplace stress: reducing exposure or mitigating its effects by strengthening resilience. Organized systemic approaches may be needed on both counts, for example, in establishing a ceiling on the time a staff member can spend in a high-risk environment and providing adequate psychosocial support and pre-mission full-disclosure briefings on the risks and safeguards.

60. In its most recent report, the Office welcomed the establishment by the High-Level Committee on Management of a working group tasked with making recommendations on the duty of care towards staff in high-risk duty stations. Led by the Department of Safety and Security, the working group brought together representatives of multiple United Nations entities, who collaborated on sketching out the specific challenges and making suggestions for consideration by the Committee. The Office participated in the working group in an observer capacity, offering its observations gleaned through cases from high-risk and remote duty stations.

61. The duty of care proposition entails a web of interconnected areas such as security, safety, medical services, staff counselling, critical incident and stress management, emergency preparedness and administrative and management aspects. In order to address the full spectrum of issues, it will be necessary to transcend functional borders and focus on overriding goals. It is hoped that, by working across organizational silos, this exercise will lead to the development of an integrated and holistic infrastructure for administering, supporting and caring for staff in dangerous duty stations.

62. One risk faced by staff in dangerous duty stations is physical injury or disability. For such situations, there are existing avenues of support or compensation. However, there is often a lack of awareness among staff in general and those who work in administrative, human resources, medical or security roles about the process and requirements for filing such claims, including those governed under appendix D to the United Nations Staff Rules and Regulations.

63. In situations in which a staff member is no longer able to work owing to an injury or illness, he or she may qualify for a disability pension or, in the case of death in service, a family member may be entitled to a survivor's benefit through the United Nations Joint Staff Pension Fund. To process such benefits, there is a chain of documents and approvals necessary for the payments to become effective, some of which are handled through different offices in the Secretariat and others through the Pension Fund. Those processes can be confusing and obscure.

64. A critical incident resulting in the injury or death of a staff member is already a horrific and traumatic situation. Unfortunately, for the staff member or surviving family members, this is sometimes further aggravated by lapses in systems or knowledge about what is required to obtain compensation. It might be helpful if such processes were better coordinated and followed up by local United Nations administrators so that an injured staff member was adequately supported. In addition, a human and caring attitude by administrative staff in dealing with staff members or surviving family members who need help in navigating the system is essential.

65. Ongoing efforts and opportunities in this regard include the following:

(a) Collaboration across the various entities engendered by the duty of care working group has yielded rich results and presents an opportunity to develop practical steps and policies to better support United Nations personnel in high-risk duty stations;

(b) The Organization may wish to revisit whether the current infrastructure of medical and psychosocial support is adequate;

(c) The Organization may wish to look at ways to limit the duration of assignments in certain high-risk and hardship duty stations in order to reduce the exposure of staff to certain levels of stress and danger;

(d) The Organization may wish to look at means of enhancing awareness among human resources staff in the field regarding compensation claims and pension benefits (disability pension and survivor's benefits); designating specific focal points who can assist and follow through on such matters could also be helpful.

B. Partial medical clearances: a continuing challenge

66. The Office has reported on the issue of partial medical clearances in several earlier reports, most recently in document A/69/126 (paras. 48-51). During the present reporting period, the Office continued to receive cases from staff members who had been deemed fit to return to work after having been on certified sick leave, but with the restriction that they could not return to their specific job or duty station. One reason for such restriction is that the treatment needed for the particular

medical condition cannot be adequately supplied at the duty station. Another reason is to limit exposure after a critical incident or other stressor that may have been the cause of the medical condition. Many of the United Nations field missions are in regions where there are limited medical facilities.

67. It is therefore not uncommon to have situations in which a medical condition can prohibit a staff member from carrying on their work in their regular duty station, while it could easily be managed in another location. However, the Organization lacks the policy framework that would allow for the temporary redeployment of such a staff member to a duty station where he or she could be productive. As a result, long periods of sick leave ensue, with a potentially negative effect both on the staff member and the Organization. If the sick leave balance is exhausted, the problem is further compounded by the fact that since the staff member has not lost all ability to return to work, he or she falls short of the eligibility requirements for disability under the Regulations and Rules of the United Nations Joint Staff Pension Fund.

68. With an increasing number of United Nations staff members working in field duty stations, partial medical clearances, which are supposed to help staff return to work, have had the adverse effect of causing field staff to fall outside the United Nations social security net of sick leave or, when staff cannot return to work, disability. It is understood that the Organization at all levels does its best to handle such situations on a case-by-case basis, but the systemic issue remains: one part of the system, in this case, management and administration, cannot accommodate what for another part of the system, the medical services, is a best practice in the interest of the patient and the Organization.

69. Ongoing efforts and opportunities in this regard include the following:

(a) It is noted that the Office of Human Resources Management has acknowledged the issue and has engaged in the joint assessment and management of such cases with other stakeholders (see A/70/187, annex II, para. 11). The Office of the United Nations Ombudsman and Mediation Services encourages the continuation of such efforts, with a view to reaching positive and concrete results;

(b) Beyond improved case management, there may also be opportunities to review the issue of partial medical clearances in conjunction with related placement and social security policies, together with all stakeholders involved (the Office of Human Resources Management, the Department of Field Support, the Controller and the United Nations Joint Staff Pension Fund);

(c) The Organization may wish to look at ways of introducing more flexibility in placing staff members laterally in other positions, where conditions would allow them to be fully productive rather than remain on sick leave.

C. Administrative delays and lack of responsiveness

70. In the past year, the Office has seen a large number of cases, both from headquarters and field duty stations, in which staff have experienced long delays in receiving a benefit or payment. Often, their frustration has been compounded by the lack of response to their follow-up enquiries. Many such cases related to separation payments and pension.

71. The Office notes that, on the one hand, the affected staff have every reason to expect timely payments. However, on the delivery side, there are staff who are no longer able to cope with the workload with the tools and sets of rules that have been provided. Some have had to work for extended periods of time without having any leave and are experiencing high levels of stress. This is a potentially unsettling trend, affecting the morale of all staff members, whether they are the service provider or the client, as well as the reputation of the Organization.

72. A likely contributing factor to the scale of delays was that the Organization embarked on several important large-scale transformative initiatives, some of which may not have been conceived with the other concurrent initiatives in mind. The introduction of Umoja represents not only a technology tool affecting all the core processes in the Secretariat, but a completely new way of doing business, requiring a different "language" and work streams. At the same time, the Pension Fund was introducing its own new technology system, which also entailed changes in the way documents and cases were processed. With several peacekeeping missions having large batches of separations, this contributed to the clogging of the system.

73. In addition to Umoja, other administrative reforms were also being implemented, such as the International Public Sector Accounting Standards (IPSAS), a new staffing system and mobility and the global information and communications technology strategy, while in the field, there were downsizings, civilian staffing reviews, classification reviews and the global field support strategy. In some cases, the cumulative effect was that staff felt unmoored, confused and overwhelmed.

74. Ongoing efforts and opportunities in this regard include the following:

(a) With respect to the delays in the processing of pension benefits, senior management has heard the feedback and has publicly promised to take action. This is not only an opportunity to do right by staff who have retired, but will also send a more positive message to staff who are still serving;

(b) In order to enhance the benefits of large-scale transformational initiatives, the Organization may wish to review additional opportunities to plan and manage the change and mitigate the risks;

(c) The above efforts would give the Organization the opportunity to nurture more holistic internal communication on the goals and implications of the reforms, while also focusing on staff morale and well-being.

D. Fear of speaking out and fear of reprisals: perceived or real

75. The Office has observed that some staff members seeking assistance are intimidated and will not speak out within their office about concerns they may have for fear of reprisal. They may also be reluctant to seek help or redress because of worries that doing so may have adverse consequences. In other cases, staff believe that they have been subject to actions and decisions that they consider are in reprisal for something they have done or said or fear that they may be subject to such retaliatory action in the future.

76. In working with various staff members, the Office learned that while, in some instances, their concerns appeared justified, in other cases, their fear was disproportionate given the facts or was a sign of deep-rooted mistrust. In those

cases, the Office worked with the underlying perceptions and trust issues through coaching and "reality-checking" with the individual. In other cases, the Office was able to work with the staff member and relevant management to build confidence and understanding in respect of administrative actions or decision-making processes, thereby gently shifting such actions from the realm of perceived reprisals, while at the same time spotlighting the accountability of the manager to ensure that any future actions were taken with the proper motives in mind.

77. Cultural misunderstandings and a perception of power imbalance may also play a role. For example, there have been cases in missions of national staff who dared not ask for leave for fear that it would negatively influence the decision to renew their contract. Data show that the usage rate of the Office is lowest among General Service staff and national staff, at only around 2 per cent, compared with over 4 per cent for international Professional staff (see para. 18 above). This may also be a silent reflection of a fear of bringing up issues or concerns.

78. In some cases in which staff considered that they had been retaliated against for speaking out about their workplace issues, they contacted the Ethics Office. However, the mandate of the Ethics Office is quite specific, intended to cover only retaliation for specific activities such as making a formal report of misconduct through designated channels or cooperating with a duly authorized audit or investigation. By definition, this is geared towards protection "after the fact" in respect of a specific action for which retaliation might be expected. More broadly, in order for staff to feel free to speak out without fear, there needs to be a culture that tolerates divergent opinions and difficult messages. A legal regime of protection may not be the right instrument to guarantee such an environment. Instead, managers have a key role not only in creating an environment where staff feel comfortable speaking out, but also in being the front-line protectors against retaliation.

79. The policy of the Secretariat on the prohibition of discrimination, harassment and abuse of authority states that it is the responsibility of managers to maintain open channels of communication and ensure that staff members who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences. That does not always appear to be the case. A working climate in which staff are not comfortable speaking out is also a risk to the Organization, given that it renders one of the most obvious and readily available early warning systems defunct. Risks that are not reported and recognized cannot be mitigated.

80. Ongoing efforts and opportunities in this regard include the following:

(a) Senior managers should be reminded of their role of fostering a working climate in which staff feel safe to express any concerns and provide honest feedback;

(b) Plans for a global Secretariat staff survey could be an opportunity to include some questions geared towards assessing work climate, including whether staff feel that they can freely communicate upward feedback or concerns.

E. Strengthening investigations: a continued imperative

81. Reference is made to previous reports by the Ombudsman on the strengthening of investigations, most recently in document A/70/151 (paras. 71-73). Sincere efforts are being made by relevant offices on the issue of investigations in general

(see A/70/187, annex II, para. 13); it seems, however, that there has not been sufficient progress with respect to an appropriate capacity for investigating alleged discrimination, harassment or abuse of authority (ST/SGB/2008/5).

82. While informal resolution may be an option in some cases, such a process is based on voluntariness and can be effective only if both parties agree to participate. It is essential to have the capacity to swiftly and authoritatively establish the facts in these often difficult cases. If left unaddressed, it might allow offenders to get away with unacceptable behaviour or leave subjects wrongly accused without being able to clear their name. This negatively affects staff morale and faith in the system and might dissuade victims and bystanders from speaking out.

83. Ongoing efforts and opportunities in this regard include the following:

It would appear that some progress has been made in the Staff Management Committee Working Group on Investigations and Disciplinary Measures towards a more comprehensive and improved policy. However, the Organization needs to continue to pay attention to creating the capacity to swiftly and authoritatively establish the facts.

F. Gender parity, equal treatment and inclusion

84. Through its work with individual staff members, the Office has discerned, in many cases, the presence of elements, either overt or more discreet, that tend to disadvantage women. Published statistics clearly show that notwithstanding the goal of gender parity articulated by the General Assembly many years ago, women currently do not participate equally at all levels of the Organization, in particular the decision-making levels (A/69/346). In regard to staff selection processes, there appears to be a lack of clarity within the Organization as to which policies apply with respect to reaching gender parity.

85. Beyond the quantitative measure of gender parity, gender issues have emerged in situations brought to the Office in various ways. Some offices are reported to still have vestiges of an "old boys club" culture, which in itself is a hindrance to the full participation of women. This is especially true in some field missions, where the mix of military and civilian cultures may inject additional layers of a male-dominated culture and women staff members find themselves side-lined or assessed according to a different scale. In some offices, sexist comments and behaviour are expected to be tolerated despite being expressly prohibited in the Organization's official policies.

86. It is not uncommon for persons to have attitudes and perceptions that contain an unintended bias disfavouring women without being conscious of it. For example, the same behaviour that in men would be seen as assertive might be perceived as aggressive in women.

87. On a budgetary and managerial level, shrinking budgets have resulted in the scarcity or non-existence of general temporary assistance funds for maternity leave replacements. This puts managers in a quandary with respect to hiring women of child-bearing age, without being able to say so. The lack of funds for maternity leave replacements can be a systemic disincentive to hiring women.

88. Lastly, as a general comment, while it may easily be assumed that United Nations employees and leaders are naturally imbued with sensitivity to diversity, that is not necessarily the case. While the present section is focused on gender, an area where there exist specific policies and systems, the Organization may need to be equally vigilant when it comes to other areas of diversity. Over the years, the Ombudsman has received cases in which staff members have felt unfairly treated based upon factors such as age, gender, race, religion or national or other identity. It may be time for a more open, systematic approach to promote inclusion and respect for diversity, a core value expected of every United Nations staff member. Much preventive work could be done by the Organization through awareness-raising, including of unconscious bias, and training on how to encourage, build and maintain a more inclusive and respectful environment in a highly diverse workplace.

89. Ongoing efforts and opportunities in this regard include the following:

(a) Efforts are under way to prepare a holistic strategy for gender parity in the Secretariat. This is an opportunity to set forth a more robust policy relating to staff selection and to address organizational culture;

(b) The Organization may wish to support appropriate provision in departmental budgets for general temporary assistance funds to facilitate maternity leave;

(c) Staff and managers may wish to explore the existence of unconscious bias and how to guard against it by raising awareness and reinforcing a culture of respect and dialogue.

G. Downsizing in missions: good practices on planning and communication

90. The Ombudsman has previously reported on issues related to the downsizing of missions, including on communication in a downsizing process, which can be difficult to plan and implement while final legislative decisions are still pending (see A/67/172, paras. 132-139).

91. In major downsizing processes, the existence of realistic and achievable timelines for planning, communication, due process and implementation is crucial. However, the mandate change, budget planning and approval processes may not always allow for this. A positive example in which a different approach was possible was the streamlining of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in 2015.

92. Through ongoing consultations with the relevant inter-governmental bodies, a phased downsizing was agreed upon, resulting in enough lead time to prepare and execute an organized and fair implementation process. This process was also supported by ongoing communications to staff and incorporated security concerns and risk mitigation in a preventive fashion.

93. Ongoing efforts and opportunities in this regard include the following:

Wherever possible, all stakeholders and decision-makers concerned may wish to consider the positive lessons learned from the phased implementation approach employed in the streamlining of UNAMID.

VII. Looking ahead

94. In the introduction to the present report, mention was made of the turbulent state of the world in which the United Nations has to function. That is not likely to change, given that the challenges continue to amass. In addition, the very nature of the United Nations compels it to tread where no one else can or will, to "stay and deliver". However, as noted in section VI above, the risks to which staff are exposed in some duty stations are considerable and the Organization's corresponding systems to support such staff have yet to fully adapt to the new reality. It will be important for the Organization to give this its full and serious attention.

95. Workplace conflict is a natural occurrence in any working environment. How it is dealt with reflects in many ways the character of the organization itself. The availability of informal conflict resolution services provides a preventive cushion that can help to resolve issues at an early stage before they become contentious or inflammatory and helps to promote a culture of dialogue, collaboration and accountability. This needs to be further strengthened to create a truly harmonious and productive working environment.

96. Such an environment will be critical as the Organization continues its numerous transformative initiatives towards a more effective and efficient United Nations. The challenges are significant, but adopting a holistic perspective that embraces the overall goals of the Organization will help to counter silos and "reform fatigue" and instead propel collaborative approaches.

97. Looking ahead, there may also be an opportunity to refocus on the core values that anchor the international civil service, including integrity and respect for diversity. Every staff member, through his or her daily actions and conduct, can contribute to building a culture of respect, tolerance and collaboration. This is particularly important at senior ranks that set the tone and would go a long way towards promoting a healthy working environment where staff feel valued, inspired and safe.